

Revised 05/01 WDNV

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**
David McCane

(Name of Plaintiff or Petitioner)

**MOTION TO PROCEED *IN FORMA PAUPERIS*
AND SUPPORTING AFFIRMATION**

_____-CV-_____

Correction Officers D. Wilkowski, Masucci, T. Buan,
and Flinch, Hillman, and Sergeant Appleberry

(Name of Defendant(s) or Respondent(s))

I, David McCane, (print or type your name) am the plaintiff/petitioner in the above-entitled case and hereby request the Court's permission to proceed *in forma pauperis*.

In support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of this action or to give security therefor and that I believe I am entitled to redress.

I further declare that the responses which I have made in this affirmation below are true.

1. Are you presently employed? Yes _____ No ☒ ✓
 My Employer's Name and Address is: _____

 My Gross Monthly Wages are: \$ 0
 If you are not presently employed, state
 Your Last Date of Employment: HAVE NEVER BEEN EMPLOYED
 Your Gross Monthly Wages at that time: _____
 Is your spouse presently employed? Yes _____ No N/A NOT MARRY
 My Spouse's Employer's Name and Address is: _____

 My Spouse's Gross Monthly Wages are \$ _____

2. Have you received **any money** from any of the following sources within the past twelve months:
 - a. Business, profession or self-employment? Yes _____ No ☒ ✓
 If yes, state **source** and **amount received** per month \$ _____
 - b. Rent payments, interest or dividends? Yes _____ No ☒ ✓
 If yes, state **source** and **amount received** per month \$ _____
 - c. Pensions, annuities, disability, or life insurance payments? Yes _____ No ☒ ✓
 If yes, state **source** and **amount received** per month \$ _____
 - d. Gifts or inheritances? Yes _____ No ☒ ✓
 If yes, state **source** and **amount received** per month \$ _____
 - e. Child Support? Yes _____ No ☒ ✓
 If yes, state **amount received** each month \$ _____
 - f. Government Benefits (Social Security, SSI, Welfare, AFDC, Veterans, etc.)? Yes _____ No ☒ ✓
 If yes, state **source** and **amount received** per month \$ _____
 - g. Friends, Relatives or any other source? Yes ☒ ✓ No _____
 If yes, state **source** and **amount received** per month \$ anytime they have extras

If you have **not** received any money from any of the above sources, please explain how you are currently paying your expenses:

3. What is your total gross monthly income today: \$ 0

4. How much **cash** do you have on hand? \$ 0

5. How much money do you have in a **checking account(s)**? \$ 0
6. How much money do you have in a **savings account(s)**? \$ 0
7. If you are an inmate of a correctional facility, state the amount of funds in your inmate account (**NOTE: prisoners must have inmate account balances certified by an authorized official of the correctional facility and must include a signed Authorization for payment of the filing fee**): 0
8. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No ✓
If so, **describe** the property in detail and give an **estimated value** of the property: _____

If you own property, are you paying off a **loan** or **mortgage** on it? Yes No
If yes where are you obtaining the money to make such payments: _____

9. If you are not an inmate, state your **total monthly household expenses**:
Rent or mortgage \$ 0 Food \$ 0 Utilities \$ 0 All other expenses \$
If your monthly expenses exceed the amount of income you listed in # 3 above, please explain how you are paying your expenses
* Im just getting out of jail my family help when they could

10. List **all** of the people who are in your household and state the amount of money each one contributes to household expenses each month: My fiancée "Theresa Kinsley & Her son Alston Carter, I dont know the monthly expenses, exp (before) 800 per 1000 a month

11. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support: N/A

12. Have you been adjudicated bankrupt within the past ten (10) years? Yes No ✓
If the answer is yes, please include the court and date of filing _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12.18.18
(Date)

[Signature]
(Applicant's Signature)

PRISON CERTIFICATION SECTION

(Required for Prisoner Requests Only; Prisoner Requests **Must** Have This Section Completed By Prison Official)

I certify that the movant has the sum of \$ _____ on account to his/her credit at the _____
_____ Correctional Facility where s/he is currently confined.

I further certify that the movant has the following securities to his/her credit according to the institution's records: _____

I further certify that the movant's average account balance was \$ _____ during the last six months.

Signature of Authorized Officer of Institution

Print Name of Authorized Officer of Institution